



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 107(2017)

FILED  
NOV 30 2019  
PURSUANT TO ROH Sec. 1-2.4

**A BILL FOR AN ORDINANCE**

RELATING TO FIRE SAFETY.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address fire safety. This ordinance provides for various means, methodologies, and standards to promote improvements to fire safety in existing high-rise residential buildings through the amendment of the Fire Code of the City and County of Honolulu, and provides for various incentives and cost mitigation measures to help building and unit owners mitigate the costs associated with implementing fire safety improvements.

**PART I**  
**IMPROVEMENTS TO FIRE SAFETY**

SECTION 2. Section 20-1.1, Revised Ordinances of Honolulu 1990 ("Fire Code of the City and County of Honolulu"), is amended to read as follows:

**"Sec. 20-1.1 Fire Code of the City and County of Honolulu.**

The State Fire Code, as adopted by the State of Hawaii on August 15, 2014, pursuant to Chapter 132 of the Hawaii Revised Statutes (HRS), which adopts, with modifications, the 2012 National Fire Protection Association (NFPA) 1 Fire Code, published and copyrighted by the NFPA, is adopted by reference and made a part hereof, subject to the following amendments which, unless stated otherwise, are in the form of amendments to NFPA 1:

- (1) Amending Section 1.1.2. Section 1.1.2 is amended to read:  
  
**1.1.2 Title.** This code shall be known and cited as the "Fire Code of the City and County of Honolulu" and will be referred to herein as "this code."
- (2) Amending Section 1.10. Section 1.10 is amended to read:  
  
**1.10 Board of Appeals.** See Chapter 16 (Building Code), Article 1, ROH.
- (3) Amending Section 1.12.8. Section 1.12.8 is amended to read:  
  
**1.12.8 Permits, Licenses, and Fees.** A permit or license shall be obtained from the Honolulu Fire Department's (HFD) Fire Prevention



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Bureau or designated agency prior to engaging in the following activities, operations, practices, or functions:

1. Places of Assembly. To operate a place of assembly. For permit requirements, see Section 20.1.1.1.  
  
Annual Permit Fee: \$200
2. Tents and Canopies. For permit requirements, see Section 25.1.2.  
  
Permit Fee: \$200
3. Application of Flammable Finishes. For permit requirements, see Section 43.1.1.4.  
  
Annual Permit Fee: \$200
4. Flammable and Combustible Liquid Tank Installation. For permit requirements, see Section 66.1.5.  
  
One-Time Permit Fee:  
  
\$150 for a tank capacity of 61 to 4,999 gallons  
\$200 for a tank capacity of 5,000 gallons or greater
5. Liquefied Petroleum Gas (LPG) Container (Tank) Installation. For permit requirements, refer to Section 69.1.2.  
  
One-Time Permit Fee:  
  
\$200 for a single container or the aggregate of interconnected containers of 125-gallon water capacity or more
6. Licenses to inspect, test, and maintain the following fire protection systems:  
  
Water-Based Systems - Three-Year License Fee: \$100  
Nonwater-Based Systems - Three-Year License Fee: \$100  
Portable Fire Extinguishers - Three-Year License Fee: \$100
7. Fireworks. For permits and license requirements, see Chapter 20, Article 6, ROH.



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8. Automatic Fire Extinguishing Systems for Commercial Cooking Equipment Inspection Fee.

Initial Inspection Fee: \$100

Reinspection Fee: \$100

9. Fire Alarm Systems Acceptance Test Inspection Fee. Inspection fees are as follows:

1-100 devices or appliances:

Initial Fee: \$100

Retest Fee: \$100

101-250 devices or appliances:

Initial Fee: \$250

Retest Fee: \$250

More than 250 devices or appliances:

Initial Fee: \$500

Retest Fee: \$500

10. Fire Plans Review Fee

a. When plans or other specifications are submitted to the fire department per the Building Code, a plan review fee shall be paid at the time of submittal. The fees collected are hereby deemed appropriated upon receipt and may be expended for fire prevention activities relating to public education, fire investigations, plans checking, permit processing, fire inspections, certifications, and training.

b. The Fire Plans Review Revolving Fund is established and created herewith as a repository for such fees.  
The Fire Plans Review Fee shall be ten (10) percent of the building permit fee payable to the City prior to the issuance of the building permit.



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**EXCEPTION:** Where an automatic fire sprinkler system is elected to be installed in accordance with NFPA 13D, NFPA 13R, or NFPA 13, the Fire Plans Review Fee shall be waived.

11. Fireworks Public Display Inspection Fee. For permit requirements, see Section 20-6.12.  
Inspection Fee: \$200

- (4) Amending Section 1.16.4. Section 1.16.4 is amended to read:

**1.16.4 Citations.** Any person, firm, or corporation who fails to comply with the provisions of this code or carry out an order made pursuant to this code or violates any condition attached to a permit, approval, or certificate, shall be deemed guilty of a misdemeanor.

- (5) Amending Section 1.16.4.3. Section 1.16.4.3 is amended to read:

**1.16.4.3 Failure to Comply.** Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this code is committed, continued, or permitted. Upon conviction of any such violation, such person shall be punished by a fine of not more than \$1,000 or imprisonment of not more than one year or both such fine and imprisonment.

- (6) Amending Section 10.11.1. Section 10.11.1 is amended to read:

**10.11.1 Open Burning Fires.** Open burning shall be conducted in accordance with this section and may be prohibited when the authority having jurisdiction (AHJ) determines such fires are a hazard.

**10.11.1.1 Compliance.** Open burning shall comply with the following:

1. **Fires for Cooking Food.** Persons responsible for such fires not contained within an appliance, such as an imu, shall notify the HFD's Fire Communication Center (FCC) 15 minutes prior to lighting such fires.
2. **Fires for Recreational, Decorative, or Ceremonial Purposes.** Obtain written permission from the property owner. Submit a letter to the AHJ for approval at least 14 days prior to the event, noting



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the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.

3. **Fires to Abate a Fire Hazard.** Obtain written permission from the property owner. Submit a letter to the AHJ for approval at least 14 days prior to the event, noting the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
4. **Fires for Prevention or Control of Disease or Pests.** Obtain written permission from the property owner. Submit a letter to the AHJ for approval at least 14 days prior to the event, noting the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
5. **Fires for Training of Fire Fighting Personnel.** Fires for the training of firefighting personnel shall be in accordance with NFPA 1403 and conducted only with the AHJ's approval. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
6. **Fires for Disposal of Dangerous Materials.** Submit a letter to the AHJ for approval at least 14 days prior to the event, noting the date, time, and location of the fire. Persons responsible shall notify the HFD's FCC 15 minutes prior to lighting such fires.
7. **Fires for Residential Bathing Purposes.** Notify the HFD's FCC at least 15 minutes prior to lighting such fires.

**10.11.1.2 Responsibility.** Fires for open burning allowed under Section 10.11.1 shall be the responsibility of the person igniting and maintaining the fire.

**10.11.1.3 Incinerators.** Private incineration is prohibited by State health laws.

**EXCEPTION:** Closed incinerators approved by the State Department of Health (DOH) shall be in accordance with NFPA 82.



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- (7) Amending Section 10.11.6.1. Section 10.11.6.1 is amended to read:

**10.11.6.1** For other than one- and two-family dwellings, no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony, under any overhanging portion, or within 10 feet (3 meters) of any structure without the AHJ's approval.

- (8) Amending Section 10.11. Section 10.11 is amended by adding Subsection 10.11.11 to read:

**10.11.11 Open Flame Performances Before a Proximate Audience.**

**10.11.11.1** Open flame performances before a proximate audience shall comply with the following:

1. Performances that use an open flame, such as, but not limited to, "fire dancing" and "logo burns," shall be held outdoors or within a building protected with an automatic sprinkler system in accordance with Section 20.1.5.3.
2. Performances shall be in an area provided with at least 25 feet of clearance to readily combustible materials.
3. A minimum clearance of 20 feet shall be kept between the performance and the audience at all times. This distance may be reduced, provided an AHJ-approved, noncombustible safety net is in place in accordance with Section 20.1.5.3.
  - a. Gasoline, white gas, or any Class I flammable liquid shall not be used as the fuel source.
  - b. Fuel storage shall be kept in an approved container at least 25 feet away from the performance and the audience. The quantity of fuel stored shall only suffice for a single performance.
  - c. Performers shall not throw any open-flame props over the audience.



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- d. A CO2 fire extinguisher with a minimum 20B rating and an ABC fire extinguisher with a minimum 4A rating shall be readily available and within 30 feet of the performance. The fire extinguishers shall be constantly attended by a competent adult trained in the use of portable fire extinguishers.
- e. Fire props shall be adequately extinguished immediately after performances by soaking in a bucket of water.
- f. Additional clearances and/or means of fire extinguishment shall be provided if deemed necessary by the AHJ.

(9) Amending Section 10.14.1.1. Section 10.14.1.1 is amended by adding Subsection 10.14.1.1.1 to read:

**10.14.1.1.1**

**EXCEPTIONS:**

- 1. Natural cut Christmas trees shall be allowed in assembly occupancies; provided that, except for those occupancies subject to exception 3 below, the occupancy shall be protected throughout with an approved automatic fire sprinkler system that is installed in accordance with NFPA 13.
- 2. Natural cut Christmas trees shall be allowed in hotel occupancies that are protected throughout with an approved automatic fire sprinkler system that is installed in accordance with NFPA 13. An approved fire watch shall be provided for the duration in which the Christmas trees remain in the hotel.
- 3. Natural cut Christmas trees shall be allowed in Honolulu Hale and Kapolei Hale. An approved fire watch shall be provided for the duration in which the Christmas trees are displayed.



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- (10) Amending Section 10.14.10. Section 10.14.10 is amended by adding Subsection 10.14.10.4 to read:

**10.14.10.4 Clearance of Brush or Vegetative Growth from Structures.**

Persons owning, leasing, controlling, operating, or maintaining buildings or structures in, upon, or adjoining hazardous fire areas and persons owning, leasing, or controlling land adjacent to such buildings or structures shall at all times:

1. Maintain an effective firebreak by removing and clearing flammable vegetation and combustible growth from areas within 30 feet of such buildings or structures.

**EXCEPTION:** Single specimens of trees, ornamental shrubbery, or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional fire protection or firebreak by removing brush, flammable vegetation, and combustible growth located from 30 to 100 feet from such buildings or structures when required by the AHJ because of hazardous conditions causing a firebreak of only 30 feet, which is insufficient to provide reasonable fire safety.

**EXCEPTION:** Grass and other vegetation located more than 30 feet from buildings or structures and less than 18 inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees which extend within ten feet of a chimney's outlet.
4. Maintain trees adjacent to or overhanging a building free of deadwood.
5. Maintain the structure's roof free of leaves, needles, or other dead vegetative growth.



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- (11) Amending Section 11.12.2.2.2.1.2. Section 11.12.2.2.2.1.2 is amended by adding an exception to read:

**EXCEPTION:** One- and two-family dwellings shall require only one three-foot wide access pathway from the eave to the ridge on each roof slope where the modules are located.

- (12) Amending Section 11.12.2.2.2.2. Section 11.12.2.2.2.2 is amended by adding an exception to read:

**EXCEPTION:** One- and two-family dwellings shall be located not less than 1½ feet below the ridge.

- (13) Amending Section 13.1.2. Section 13.1.2 is amended by adding Subsections 13.1.2.1 and 13.1.2.2 to read:

**13.1.2.1 Halon and Clean Agent Systems.** Condition of acceptance of halon and clean agent systems shall be satisfactory passage of a final approval of an installation test in accordance with nationally recognized standards and the manufacturer's instructions prior to final acceptance of the system. The test shall be witnessed by the AHJ.

**13.1.2.2 Nonwater-based Fire Extinguishing Systems.** Upon completion of a nonwater-based fire extinguishing system installation that is required by this code, a satisfactory final approval of the system's installation test shall be made in accordance with nationally recognized standards and the manufacturer's instructions. Nonwater based systems include, but are not limited to, dry chemical and carbon dioxide extinguishing systems. The test shall be witnessed by the AHJ.

- (14) Amending Section 13.3.2.20.1. Section 13.3.2.20.1 is amended to read:

**13.3.2.20.1** When required by the county building code, all new one- and two-family dwellings shall be protected throughout by an approved automatic sprinkler system in accordance with Section 13.3.2.20.2.

- (15) Amending Section 13.3.2.26.2. Section 13.3.2.26.2 is amended to read:

**13.3.2.26.2 Existing high-rise residential buildings not protected throughout by an automatic fire sprinkler system shall receive a building fire and life safety evaluation in accordance with this code and the building**



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code. This evaluation consists of an assessment of building safety features and fire protection systems. A passing score on the evaluation provides a minimum level of fire and life safety to occupants and fire fighters that is approved by the AHJ. A building fire and life safety evaluation shall be conducted by a licensed design professional within three years from the effective date of this ordinance. Buildings shall comply by passing the building fire and life safety evaluation within six years from the effective date of this ordinance. The AHJ may grant an extension pursuant to Section 13.3.2.26.5 if automatic fire sprinkler systems are required to achieve compliance. All buildings must continue to maintain a passing status on their respective building fire and life safety evaluations.

13.3.2.26.2.1 Existing high-rise residential buildings shall be protected throughout by an approved automatic fire sprinkler system in accordance with this Chapter and the building code.

13.3.2.26.2.2 Each building owner shall, within 180 days from the effective date of this ordinance, file an intent to comply with this regulation with the AHJ for approval.

13.3.2.26.2.3 The AHJ shall review and respond to the intent to comply submittal within 60 days of receipt of the intent to comply.

13.3.2.26.2.4 The entire building shall be required to be protected by an approved automatic fire sprinkler system as approved by the AHJ within 12 years of the effective date of this ordinance, except where an extension is approved by the AHJ as provided in Section 13.3.2.26.2.5.

13.3.2.26.2.5 Compliance with the automatic fire sprinkler system provisions of Section 13.3.2.26.1 shall be achieved as follows: Common areas for buildings 20 floors and over shall be completed within eight years from the effective date of this ordinance, common areas for buildings 10 to 19 floors shall be completed within 10 years from the effective date of this ordinance, and all buildings, regardless of the number of floors, shall be completed within 12 years from the effective date of this ordinance. An extension to 15 years from the effective date of this ordinance may be approved by the AHJ, provided that compliance has been achieved for common areas.



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**EXCEPTION:** Existing high-rise residential buildings are exempted from the automatic fire sprinkler system requirements in Section 13.3.2.26.2.1 if all dwelling units have exterior access and a continuous egress path to exit the building and have no full-length interior corridors.

**EXCEPTION:** Existing high-rise residential buildings less than 10 floors in height can receive a building fire and life safety evaluation passing status in lieu of the approved automatic sprinkler system requirements in Section 13.3.2.26.2.1.

**EXCEPTION:** Existing high-rise residential buildings may be protected throughout by an approved automatic fire sprinkler system per NFPA 13R when approved by the AHJ.

**EXCEPTION:** Private balconies that have at least one long side that is 50 percent open are not required to have automatic fire sprinkler protection.

**EXCEPTION:** Elevator hoistways and machine rooms are not required to have automatic fire sprinkler protection.

**EXCEPTION:** Class II wet standpipe systems may be removed when buildings are protected throughout by automatic fire sprinkler systems pursuant to Section 13.3.2.26.2.

**EXCEPTION:** Combined standpipe and automatic fire sprinkler systems using existing standpipes shall be permitted to utilize pump sizing for the fire sprinkler demand.

[(15)](16) Amending Section 13.7.1.4.10.4. Section 13.7.1.4.10.4 is amended to read:

**13.7.1.4.10.4** When approved by the AHJ and where permitted by Chapter 11 through Chapter 43 of NFPA 101, a positive alarm sequence shall be permitted, provided that it is in accordance with NFPA 72. The following additional requirements shall also apply:

1. An automatic fire sprinkler system installed in conformance with the building code shall be provided throughout the building or facility.



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2. Written fire emergency procedures and an evacuation plan for the building or facility shall be reviewed by the AHJ prior to approval testing. The procedures and plan shall include, but not be limited to, immediate notification to the fire department, use of primary and secondary exits, use of fire protection appliances for the building(s) or facility(ies).
3. Trained personnel shall respond to emergencies on a 24-hour basis. The staff shall be instructed in fire emergency procedures and the use and operation of in-house fire appliances. Documentation of such training shall be maintained and filed on the premises.
4. Immediate notification of the fire department shall take place upon activation of any fire alarm initiating device.
5. If the fire alarm system's initiating device is activated, acknowledgement at the control unit by trained personnel shall be accomplished within 15 seconds in order to initiate the alarm investigation phase. If the signal is not acknowledged within 15 seconds, all building or facility and remote signals shall be activated immediately and automatically (general alarm).
6. If the fire alarm system's initiating device is activated, notification devices in that zone shall be activated. The zone notification shall include the floor of, the floor above, and the floor below the activated device. The zone notification areas may be modified with the AHJ's approval. This zone notification shall be for a maximum of three (3) minutes, during which trained personnel shall initiate the alarm investigation phase, communicate their findings immediately to the fire department, and reset the system if appropriate. After three (3) minutes or an activation of any other initiating device(s), the fire alarm system shall be activated immediately and automatically for the entire building or facility (general alarm). At no time shall the fire alarm system be silenced until verification of the alarm is accomplished.
7. The fire alarm system shall provide a means to bypass the positive alarm sequence and immediately activate the general alarm for the entire building or facility.



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8. The AHJ shall conduct a test of the positive alarm sequence prior to implementation.
9. The AHJ may disapprove or rescind approval of the fire alarm system's positive alarm sequence if all of the above-mentioned requirements are not met and shall require the fire alarm system to be reprogrammed to meet a general alarm notification at the owner's expense.

~~[(16)]~~(17) Amending Section 13.7.3.2. Section 13.7.3.2 is amended by adding Subsection 13.7.3.2.5 to read:

**13.7.3.2.5 Fire Alarm System Testing.** A tag shall be placed on the fire alarm panel when tested in accordance with Section 13.7.3.2. Information on the tag shall include the testing date, testing company and contact information, technician performing the test, and satisfactory testing result.

~~[(17)]~~(18) Amending Section 18.2.3.1.3. Section 18.2.3.1.3 is amended to read:

**18.2.3.1.3** The provisions of 18.2.3.1 through 18.2.3.2.2.1 shall be permitted to be modified by the AHJ where any of the following conditions exist:

1. Not more than two one- and two-family dwellings protected by an approved automatic sprinkler system in accordance with Section 13.1.
2. Not more than two existing one- and two-family dwellings.
3. Private garages having an area not exceeding 1,000 square feet.
4. Carports having an area not exceeding 1,000 square feet.
5. Agricultural buildings having an area not exceeding 1,000 square feet.
6. Sheds and other detached buildings having an area not exceeding 1,000 square feet.



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~~[(18)]~~[(19)] Amending Section 18.2.3.2.2.1. Section 18.2.3.2.2.1 is amended to read:

**18.2.3.2.2.1 Automatic Sprinkler Systems.** When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 130, or NFPA 13R, an increase in distance in Section 18.2.3.2.2 shall be permitted as set forth by the AHJ.

~~[(19)]~~[(20)] Amending Section 18.2.3.2. Section 18.2.3.2 is amended by adding Subsection 18.2.3.2.3 to read:

**18.2.3.2.3 Access for High-Piled Storage.** When high-piled storage areas exceed 12,000 square feet, one or more access doors shall be provided in each 100 lineal feet, or major fraction thereof, of the exterior walls which face required access roadways. Required access doors shall be a minimum of three feet wide and six feet eight inches high. Roll-up doors shall not be allowed as access doors, unless approved by the AHJ.

~~[(20)]~~[(21)] Amending Section 18.5.6. Section 18.5.6 is amended to add a sentence to read:

Global positioning system coordinates of new and existing private hydrant locations shall be provided to the fire department.

~~[(24)]~~[(22)] Amending Section 20.1.1.1. Section 20.1.1.1 is amended to read:

**20.1.1.1 Permits and Plans.** A permit is required for each place of assembly with an occupant load capacity of 300 or more persons, such as restaurants, nightclubs, and dancing and drinking establishments. The permit shall be posted in a conspicuous location on the premises.

At the time of applying for a permit, the applicant shall submit to the AHJ two copies of the establishment's floor plan indicating the square footage (gross), seating arrangements (if more than one seating configuration is used by the establishment), occupancy load, aisle widths, exits and access ways to exits, and compliance with other fire code requirements in accordance with Chapter 20 of this code. See also amended Section 1.12.8.



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~~[(22)]~~(23) Amending Section 20.1.5.10.3.1. Section 20.1.5.10.3.1 is amended to read:

**20.1.5.10.3.1** Any room or area constituting an assembly, regardless of seating arrangements, shall have a permanent occupant load sign posted in a conspicuous place near the main exit from the room. The occupant load shall be established per the current building code.

~~[(23)]~~(24) Amending Section 25.1.2. Section 25.1.2 is amended by adding Subsection 25.1.2.1 to read:

**25.1.2.1 Tents and Canopies.** A permit is required to erect or operate a tent or canopy having an area in excess of 2,100 square feet. At the time of application, two copies of the plot plan shall be submitted to the AHJ indicating distances to property lines, buildings, other tents and canopies, parked vehicles, or internal combustion engines. Refer to amended Section 1.12.8.

**EXCEPTION:** Permits are not required for private parties on private property.

~~[(24)]~~(25) Amending Section 43.1.1.4. Section 43.1.1.4 is amended to read:

**43.1.1.4 Permits and Plans.** A permit is required for spraying or dipping operations utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 43 of this code. At the time of applying for a permit, the applicant shall submit to the AHJ two copies of the spraying or dipping installation plan with distances from the storage of flammable or combustible liquids. The plan shall indicate the location of exits from the spraying or dipping area, an approved fixed extinguishing system installed in the permitted area, and other fire code requirements in accordance with Chapter 43 of this code. See also amended Section 1.12.8.

~~[(25)]~~(26) Amending Section 50.4.4.3.1. Section 50.4.4.3.1 is amended to read:

**50.4.4.3.1** In existing systems, when changes in the cooking media, positioning, operation and use, or replacement of cooking equipment, or changes in ownership occur, the fire-extinguishing system shall be made to comply with 50.4.4.3 and 50.4.11.



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~~[(26)]~~(27) Amending Section 50.4.11. Section 50.4.11 is amended by adding Subsection 50.4.11.3 to read:

**50.4.11.3 Acceptance Test.** Prior to commencing initial cooking operations, a satisfactory acceptance test of the system shall be made in accordance with the manufacturer's instructions. The acceptance test shall be of an approved method and witnessed by the AHJ.

~~[(27)]~~(28) Amending Section 65.1.1. Section 65.1.1 is amended to read:

**65.1.1** The storage, use, and handling of explosives, fireworks, and model rocketry shall comply with the requirements of this chapter, NFPA standards referenced within this chapter, Sections 60.1 through 60.4 of this code, and applicable county laws and rules.

~~[(28)]~~(29) Amending Section 66.1.5. Section 66.1.5 is amended by adding Subsection 66.1.5.1 to read:

**66.1.5.1 Permits and Plans.** A permit is required to install or operate equipment in connection with the storage, handling, use, or sale of flammable or combustible liquids regulated under Chapter 66 of this code. Permits are not transferable and any change in use, occupancy, operation, ownership, vendor, or capacity shall require a new permit. At the time of application, two copies of the plot and cross-sectional plans indicating distances from property lines, buildings, other fuel tanks located on the premises, dispensers, emergency electrical shutoff, vent lines and diameter, piping, location of fire extinguisher, and necessary signage and placards shall be submitted to the AHJ.

Tank installations within the jurisdiction of the City and County of Honolulu (City) shall be approved by the Department of Planning and Permitting's (DPP) Zoning Division prior to submitting an application for the HFD's Flammable and Combustible Liquid Tank Installation Permit. For installations in State conservation zoned areas, tank installations shall be reviewed and approved by the State Department of Land and Natural Resources (DLNR). Refer to amended Section 1.12.8.



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~~[(29)]~~(30) Amending Section 66.21.7.4.3.4. Section 66.21.7.4.3.4 (1) is amended to read:

1. All flammable and combustible liquids, residues, and vapors shall be removed from the tank, appurtenances, and piping.  
Confirmation that the atmosphere in the tank is safe shall be by testing of the atmosphere using combustible gas indicators or an oxygen meter.

~~[(30)]~~(31) Amending Section 69.1.1.3. Section 69.1.1.3 is amended by adding Subsection 69.1.1.3.1 to read:

**69.1.1.3.1 Records.** Installers shall maintain a record of installations for permits not required by Section 1.12.8, and such record shall be available for inspection by the AHJ.

**EXCEPTION:** Installation of gas-burning appliances and replacement of portable cylinders.

~~[(34)]~~(32) Amending Section 69.1.2. Section 69.1.2. is amended to read:

**69.1.2 Permits and Plans.** A permit is required to install or dispense LPG or maintain an LPG container (tank).

**EXCEPTION:** A permit is not required to install or maintain a portable container or the aggregate of interconnected containers of less than a 125-gallon water capacity.

Permits shall not be transferable and any change in use, occupancy, operation, ownership, vendor, or capacity shall require a new permit. Distributors shall not fill an LPG container for which a permit is required, unless a permit for installation has been issued for that location by the AHJ.

Where a single container or the aggregate of interconnected containers is of a 125-gallon water capacity or more, the installer shall submit plans to the AHJ.

LPG installations requiring a permit shall have the permit on site and available for inspection by the AHJ.



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At the time of application for a permit, the installer shall submit to the AHJ two copies of the plot and cross-sectional plans indicating distances from property lines, buildings, other fuel tanks located on the premises, dispensers, emergency electrical shutoff, vent lines and diameter, piping, location of fire extinguisher(s), and necessary signage and placards.

Container installations within the jurisdiction of the City shall be approved by the DPP's Zoning Division prior to submitting an application for the HFD's LPG Tank Installation Permit. For installations in State preservation-zoned areas, container installations shall be reviewed by the State DLNR. Refer to amended Section 1.12.8.

~~[(32)]~~(33) Amending Section 69.3.6.1.2. Section 69.3.6.1.2 is amended to read:

**69.3.6.1.2** LPG containers or systems of which they are a part shall be protected from damage from vehicles in accordance with Section 60.5.1.9."

### **PART II** **FIRE SAFETY IMPROVEMENT** **INCENTIVES AND COST MITIGATION**

**SECTION 3.** Section 18-6.5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

#### **"Sec. 18-6.5 Exemptions.**

- (a) The city, all agencies thereof and contractors therewith, will be exempt from the requirement of paying plan review and permit fees.
- (b) The building official may grant an exemption from the requirement of paying plan review and permit fees for any person seeking to restore or reconstruct a structure damaged or destroyed as a result of a major disaster. For the purposes of this section:
  - (1) "Major Disaster" means any hurricane, tornado, storm, flood, high water, tsunami, earthquake, volcanic eruption, landslide, mud slide, fire, explosion or other catastrophe occurring in any part of the city that causes damage, suffering and loss to such a degree that:



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- (A) The President of the United States has declared, pursuant to the Disaster Relief Act of 1974, P.L. 93-288, that a major disaster exists such that the city or any part thereof is eligible for federal disaster assistance programs;
  - (B) The governor of the State of Hawaii has declared pursuant to HRS Chapter 209 that a major disaster has occurred;
  - (C) The mayor has issued a proclamation declaring the existence of a major disaster; or
  - (D) The council has adopted a resolution declaring the existence of a major disaster.
- (2) "Restore and reconstruct" means any repair or other work performed to return a structure to its former condition that does not increase the floor area of the structure beyond that of the structure prior to the major disaster, is in conformance with the building code, flood hazard regulations, land use ordinance, and other applicable laws, and is started within two years of the major disaster.
- (3) The burden of proof that work to be performed qualifies for an exemption from the payment of building permit fees due to a major disaster will be on the owner of the structure. An applicant filing for such exemption must certify in writing that the work to be performed will be in conformance with the requirements of this section.
- (c) All owners and their contractors will be exempt from paying that portion of any building permit fee for permits issued after September 15, 1994 attributable to the installation of ultra-low flush toilets that they install on their properties to replace existing non-ultra-low flush toilets.
  - (d) The building official shall waive the collection of any building permit fee for a period of three years where the business has been certified to be a qualified business pursuant to Section 35-1.3.
  - (e) The building official shall waive the collection of any building permit fee for any person seeking to replace a dilapidated dwelling unit located on homestead land leased under the Hawaiian Homes Commission Act of 1920. For the purposes of this section:



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- (1) "Dilapidated dwelling unit" means any residential home that has significantly deteriorated because of age, termites or other causes, which make the home unsafe, uninhabitable or unhealthy.
- (2) The burden of proof that a dwelling unit is dilapidated which qualifies for an exemption from the payment of building permit fees will be on the owner of the unit. An applicant filing for such exemption shall attach acceptable proof that the dwelling unit is dilapidated to the building permit application.
- (3) The replacement home may increase the floor area of the originally demolished or removed structure.
- (f) The building official shall waive the collection of any plan review and building permit fees exclusively for the creation of an "accessory dwelling unit," as defined in Section 21-10.1. The plan review and building permit fees that were collected for the creation of "accessory dwelling units" from the effective date of Ordinance 15-41 (September 14, 2015), will be reimbursed if requested by the permittee. Building permit fees and plan review fees will not be waived where a permit was required and work started or proceeded without obtaining a permit. In these cases, fees will be required pursuant to Section 18-6.2(d).
- (g) The building official shall waive the collection of that portion of any plan review and building permit fee attributable to the installation of automatic fire sprinkler systems for the suppression of fire in existing high-rise residential buildings. For the purposes of this section "existing high-rise residential building" means the same as "existing highrise residential building" in Section 20-5.1."

SECTION 4. SECTION 8 of Ordinance 16-19, as amended by Ordinance 17-30, is amended to read as follows:

"SECTION 8. This ordinance takes effect upon its approval; provided that the amendments to the Revised Ordinances of Honolulu 1990 ("ROH") made in [~~Section 2, Section 3,~~] in Sections 2 and 3 of this ordinance, and [~~Section 5 of this ordinance are repealed on June 30, 2020.~~] new ROH Section 18-16.5(f) in Section 5 of this ordinance are repealed on June 30, 2020."



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SECTION 5. Chapter 8, Revised Ordinances of Honolulu 1990 ("Real Property Tax"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

### **"Article \_\_. Tax Credit for Installation of Automatic Sprinkler System**

#### **Sec. 8-\_\_.1 Definitions.**

For the purposes of this article, unless the context requires otherwise:

"Automatic sprinkler system" means an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply. The portion of the system above the ground is a network of specially sized or hydraulically designed piping installed in a structure or area, generally overhead, and to which automatic sprinklers are connected in a systematic pattern. The system is usually activated by heat from a fire and discharges water over the fire area.

"Eligible costs" means costs incurred after the effective date of this ordinance in purchasing or otherwise acquiring an automatic fire sprinkler system; provided that the tax credit applies only to the actual cost to the owner of the automatic fire sprinkler system, including accessories and installation.

"Owner" or "property owner" means those who are deemed owners for purposes of Section 8-6.3.

#### **Sec. 8-\_\_.2 Automatic sprinkler system tax credit established.**

- (a) An owner of residential real property who installs an automatic sprinkler system on the owner's property is entitled to a one-time tax credit under this article against the owner's real property tax liability.
- (b) The amount of the tax credit is 100 percent of the eligible costs of the automatic sprinkler system, provided that the amount of the resulting tax may not be less than the minimum tax as required in Section 8-11.1(g).
- (c) The credit will be claimed against real property tax liability for the tax year immediately following approval of the application for the credit. Tax credits which exceed the taxpayer's real property tax liability may be carried over and used as a credit against the taxpayer's real property tax liability in subsequent years, for a period not to exceed \_\_\_\_\_ years.



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**Sec. 8-\_.3 Administration—Rules.**

- (a) The director shall determine the eligibility of the owner for the tax credit upon review and verification that the owner has installed an automatic sprinkler system in accordance with applicable building codes on the owner's property.
- (b) The owner shall file an application therefor with the department of budget and fiscal services after the installation of the automatic sprinkler system is complete. The application must be filed on or before September 30th preceding the tax year in which the credit is claimed.
- (c) In accordance with HRS Chapter 91, the director shall adopt rules having the force and effect of law for the administration, implementation and enforcement of this article."

SECTION 6. Chapter 6, Revised Ordinances of Honolulu 1990 ("Revolving Special Funds, Housing Mortgage Loans and Fees"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

**"Article \_\_\_\_\_. Fire Safety Improvements Loan Fund**

**Sec. 6-\_\_\_\_.1 Definitions.**

For purposes of this article, unless the context requires otherwise:

"Director" means the director of budget and fiscal services.

"Elderly" means a person who has attained the age of sixty-two years.

"Fire safety improvements" means the necessary and required improvements of a residential parcel in accordance with local fire code requirements.

"Fixed-income" means income from a retirement account, government assistance program, pension, investment, or other financial instrument that is set at a particular figure and does not vary, and provides periodic income that is received at regular intervals and at reasonably predictable levels.



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"Local fire code requirements" means requirements of the Fire Code of the City and County of Honolulu and all other laws, ordinances, codes and regulations of the City and County of Honolulu relating to fire safety, including requirements that mandate the installation of fire automatic sprinkler systems .

"Low-income" means the annual income of an applicant's or property owner's household that does not exceed 80 percent of the area median income for the city as determined by the United States Department of Housing and Urban Development.

"Residential parcel" means an individual tax map parcel, including an individual condominium unit, used for residential use.

"Residential use" means the actual use of an individual tax map parcel as a residence by:

- (1) Occupants for compensation for periods of 30 or more consecutive days;
- (2) The owner personally; or
- (3) The owner's guest(s) without compensation.

For purposes of this definition, "compensation" includes, but is not limited to, monetary payment, services, or labor of employees. "Residential use" specifically excludes the use of the parcel as a bed and breakfast home or a transient vacation unit or for time sharing.

**Sec. 6-\_\_\_\_.2 Title.**

There is created and established a "fire safety improvements loan fund."

**Sec. 6-\_\_\_\_.3 Purpose.**

- (a) The purpose of the fire safety improvements loan fund is to make loan money available to applicants who are low-income or elderly and on a fixed-income who are owners of residential parcels required to make fire safety improvements for their parcels. Applicants eligible for financing under this loan program must be unable to secure funds from other sources, under comparable terms and conditions, to finance the fire safety improvements.



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- (b) For the purpose set forth in subsection (a), there may be authorized sufficient sums appropriated each fiscal year which may constitute a revolving account to be used by the director to carry out this loan program. All moneys in such revolving account may be available for servicing loans made pursuant to this article.

**Sec. 6-\_\_\_\_.4 Limitations concerning loans.**

- (a) Loans may be made in the name of the City and County of Honolulu to an applicant who is an owner of a residential parcel required to make fire safety improvements.
- (b) Loan funds may be used to finance the direct costs of required fire safety improvements, or any special assessment or reserve study requirements that address the required fire safety improvements.
- (c) The amount of each loan, together with other existing liens, must not exceed 90 percent of the appraised value of the residential parcel after fire safety improvements.
- (d) All loans must be adequately secured as determined by the director.
- (e) All loans must bear interest on the outstanding balance thereof at an annual interest rate to be determined by the director, provided that the director may forgo interest if such interest poses a hardship on an owner.
- (f) Monthly payments must be made on all loans. The director may defer said payments for such periods as deemed appropriate and necessary upon the director's determination that the owner is unable to meet these payments because of limited income, unemployment, or for any other valid reason.
- (g) The term of each loan must not exceed three-fourths of the remaining economic life of the improvements on the residential parcel.
- (h) The director may require that the loan be paid in full if the parcel is not used for residential use or if title to the parcel is transferred prior to the loan's maturity date, unless the succeeding titleholder(s) meets the eligibility requirements established by the director for said loan.
- (i) The director may prescribe such charges, fees and other costs as may be related to each loan.



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- (j) All loans must be periodically reviewed to assure compliance with the above limitations.

**Sec. 6-\_\_\_\_.5 Administration.**

The director may adopt rules in accordance with HRS Chapter 91 to implement and administer the fund established by this article."

SECTION 7. Ordinance material to be repealed is bracketed and stricken. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring. The Revisor of Ordinances shall, pursuant to the Revisor's authority under ROH Section 1-16.3(b)(1), replace the phrase "effective date of this ordinance" or similar phrase used in the codified language of this ordinance, with the actual date on which the ordinance takes effect.



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SECTION 8. This ordinance takes effect upon its approval; provided that, Part I takes effect on January 1, 2018; Part II, Section 5, applies to the tax years beginning July 1, 2019, and thereafter; and Part II, Section 6, takes effect on July 1, 2018; and provided further that, the amendments made to ROH Section 18-16.5 in Part II, Section 3, shall not be deemed to supersede the repeal of ROH Section 18-16.5(f) on June 30, 2020, pursuant to Section 8 of Ordinance 16-19, as amended by Ordinance 17-30, and this ordinance.

INTRODUCED BY:

*Ann H. Kikuyoshi*  
*Carol Fitch*  
*Rob O...*

DATE OF INTRODUCTION:

**NOV 30 2017**

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

KIRK CALDWELL, Mayor  
City and County of Honolulu

OCS2017-1212/11/21/2017 11:06 AM 26

**FILED**  
**NOV 30 2019**  
PURSUANT TO ROH Sec. 1-2.4